

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.130 OF 2018

Kokila Chandrakant Vora and another ... Applicants

Vs.

Aruna Chandrakant Rajmane (decd) through

LRs Ravindra C. Rajmane and others ... Respondents

Mr. T. D. Deshmukh for Applicants.

Mr. G. S. Godbole, Senior Advocate i/b. Mr. Rakesh Reddy for
Respondents.

CORAM : R. G. KETKAR, J.

DATE : APRIL 6, 2018

P.C. :

Heard Mr. Deshmukh, learned Counsel for the applicants and
Mr. Godbole, learned Senior Counsel for respondents at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicants, hereinafter referred to as 'defendants', have challenged the judgment and decree dated 01.09.2016 passed by the learned Joint Civil Judge, Junior Division, Solapur in Regular Civil Suit No.580 of 2009 as also the judgment and decree dated 27.06.2017 passed by the learned Ad-hoc District Judge-2, Solapur in Regular Civil Appeal No.243 of 2016. By these orders, the Courts below decreed the Suit instituted by the respondents, hereinafter referred to as 'plaintiffs', under Section 16(1)(g) of the Maharashtra Rent Control Act, 1999 (for short 'Act') and directed the defendants to hand over vacant and peaceful possession of shop and godown admeasuring 52 sq.mtrs. situate on the ground floor of House No.396, C.T.S.No.33124, T.P.S. V, Final Plot No.47, more particularly described in paragraph 1 of the plaint.

3. After arguing the Application for quite some time, Mr. Deshmukh, on instructions from the applicant No.2 - Chetan

Chandrakant Vora, states that applicants will not press this Application, if time to vacate the suit premises upto and inclusive of 30.04.2019 is granted. He has tendered photocopy of Adhar Card of applicant No.2, which is taken on record and marked 'X' for identification. He assures that applicants and all the adult family members using the suit premises will give usual undertaking within 3 weeks from today with advance copy to the other side incorporating therein that,

- a. Applicants are in possession and nobody else is in possession of the suit premises;
- b. Applicants have neither created third party interest nor parted with possession of the suit premises;
- c. Applicants will hereafter neither create third party interest nor part with possession of the suit premises;
- d. Applicants will clear the arrears of rent, if any, within 3 weeks from today and will go on paying rent @ Rs.5,000/- from April 2018 till 30.04.2019 or till handing over of possession, whichever is earlier;
- e. Applicants will not seek further extension of time for handing over possession.

4. Mr. Deshmukh also assures that applicants will go on paying compensation regularly for each month on the 10th day of next succeeding month.

5. In view thereof, application is disposed of as not pressed. Applicants accept the correctness of the impugned orders and subject to their filing the undertaking in the aforesaid terms within 3 weeks from today, with advance copy to the other side, decree shall not be executed till 30.04.2019. List the Application for 'reporting compliance' on 03.05.2018.

(R. G. KETKAR, J.)